

### REMARKS/ARGUMENTS

Favorable reconsideration of this application is requested in view of the amendments above and the remarks which follow.

### DISPOSITION OF CLAIMS

Claims 17-20, 28-32, 35, 48, and 50-52 are pending in this application. Claims 17, 35, and 48 have been amended as set forth above. Support for the amendments to claims 17, 35, and 48 can be found in various sections of the specification, for example, paragraph 45, lines 5-9.

### CLAIM OBJECTIONS

Claim 34 was objected to because its status was unclear. Claim 34 has been canceled, and its status has been made clear in the listing of claims above.

Claims 57 and 58 were provisionally objected to as being substantial duplicates of claims 18 and 19. Claims 57 and 58 have been canceled.

### REJECTIONS UNDER 35 U.S.C. §103

Claims 17-20, 28-32, 35, 48, 50-52, 55, 57, 58, 60, and 61 were rejected under 35 USC 103(a) as being unpatentable over Peery et al. (U.S. Patent No. 5728396) in view of Edgren et al. (U.S. Patent No. 5024842). Claims 55, 57, 58, 60, 61 have been canceled. Accordingly, the rejection of these claims is moot. Reconsideration of the rejection of claims 17-20, 28-32, 35, 48, and 50-52 is respectfully requested.

Peery et al. do not disclose or teach a method for processing rate controlled membranes and rate controlling membranes as recited in claims 17-20, 28-32, 35, 48, and 50-52.

In Edgren et al., a drug core is coated with a coating composition to form a dosage form. Then, the dosage form is annealed. Edgren et al. do not disclose or teach a method of processing rate controlling membranes including the feature, "maintaining the membrane at the predetermined temperature for a period of time of from about 1 to 250 hours prior to incorporating the membrane into an implantable controlled drug delivery device," as recited in claim 17. Similarly, Edgren et al. do not disclose or teach a rate controlling membrane for an

implantable drug delivery device which is “characterized by being subjected to an elevated temperature of about 30 °C to about 5 °C below the melting temperature of the membrane for a predetermined period of about 1-250 hours prior to incorporation into the drug delivery device,” as recited in claim 35. In Edgren et al., the coating composition is incorporated in the drug delivery device prior to annealing. Therefore, Edgren et al. fail to overcome the deficiencies in Peery et al.

From the foregoing, claims 17 and 35 are not obvious over Edgren et al. in view of Peery et al. Claims 19-20, 28-32, 48, and 50-52 are also not obvious over Edgren et al. in view of Peery et al. because they include the features of claim 17. Withdrawal of the rejection of claims 17-20, 28-32, 35, 48, and 50-52 over Edgren et al. in view of Peery et al. is respectfully requested.

## CONCLUSION

Applicant believes that this paper is fully responsive to the Office Action dated April 27, 2007, and respectfully requests that a timely Notice of Allowance be issued in this case. A call to the undersigned is encouraged if the Examiner believes that a telephone conference would advance prosecution of this application.

Please apply any charges not covered or credits in connection with this filing to Deposit Account No. 503202 (ref. ARC2427N1).

Respectfully submitted,

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